



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

July 12, 2010

Linda Gehrke, Deputy Regional Administrator
Federal Transit Administration
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

Re: EPA comments on the Hatcher Pass Recreational Area Access, Trails and Transit
Facilities Project DEIS, EPA Project #08-064-FTA

Dear Ms. Gehrke:

We have reviewed the draft environmental impact statement (DEIS) for the Hatcher Pass Recreational Area Access, Trails and Transit Facilities Project (CEQ #20100191) in accordance with our role as a participating agency as well as our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

In addition to the No Action alternative, the Federal Transit Authority (FTA) has evaluated one action alternative (Proposed Action) to address the project's purpose and need. The Proposed Action currently consists of the construction of two parking lots (413-space and 210-space), two access roads with one parallel pathway (1-mile and 0.4-mile), and two transit facilities. FTA and the Matanuska Susitna Borough (MSB) are co-lead agencies on the DEIS. Our agency and the State of Alaska, Department of Natural Resources (ADNR), are participating agencies under the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Based on our review of the DEIS, we believe that, in general, the analysis of impacts of affected resources identified in the document is satisfactory. We do have concerns however, with the document's approach in evaluating subsequent MSB-funded project components (Phase 1) as a secondary/indirect impact of the proposed action. We believe that the MSB-funded components (nordic and alpine ski area developments) are connected actions (as opposed to impacts) as they could not proceed without the FTA-funded project. As such, we recommend that they be evaluated as part of the project and not as a secondary impact of the project. This would entail the evaluation of the direct, indirect and cumulative impacts of Phase 1 project components in the final EIS. We recommend that appropriate mitigation for these impacts be discussed as well.

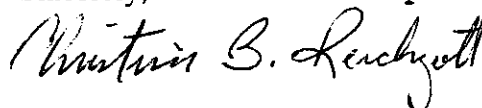
We are also concerned with the development and evaluation of only one action alternative. FTA indicated that it planned to evaluate two action alternatives in the November, 2008 Notice of Intent. In our scoping comments dated December 23, 2008, we supported this approach but requested that FTA consider additional alternatives. We believe that the analysis of one action alternative does not meet the intent of the NEPA regulations that agencies "rigorously explore and objectively evaluate all reasonable alternatives, including "reasonable alternatives not within the jurisdiction of the lead agency". We suggest that FTA and MSB consider a smaller scale proposal that would either reduce the footprint of the parking lots and facilities, or one that would combine infrastructure to the extent possible while still meeting the purpose and need. Such an alternative may allow for further reduction in impacts.

Finally, we request that the mitigation for air quality impacts be expanded to include reasonable control technologies and practices that will reduce emissions from heavy equipment and machinery during construction. We have enclosed a list of suggestions for such emission reductions, if applicable (Enclosure 2).

Due to these concerns, we have given the DEIS a rating of EC-2 (Environmental Concerns-Insufficient Information). A copy of EPA's rating criteria is attached (Enclosure 1).

Thank you for the opportunity to provide comments on the DEIS. We look forward to continuing to work with your agency on refinements to the EIS as well as possible mitigation activities. If you would like to discuss these comments, please contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or by electronic mail at curtis.jennifer@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Enclosures

ENCLOSURE 1

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*
Environmental Impact of the Action**

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987

ENCLOSURE 2

Mitigation Measures to Reduce Emissions during Construction

- Properly maintain construction equipment.
- Evaluate the use of available alternative engines and diesel fuels:
 - Engines using fuel cell technology
 - Electric engines
 - Engines using liquefied or compressed natural gas
 - Diesel engines that meet the proposed EPA 2007 regulation of 0.01 g/bhp-hr (grams per brake horsepower hour)
 - Diesel engines outfitted with catalyzed diesel particulate filters and fueled with low sulfur (less than 15 ppm sulfur) fuel
 - Diesel engines fueled with biodiesel (diesel generated from plants rather than petroleum)
 - Fueling on-site equipment, e.g., mining equipment, with lower sulfur highway diesel instead of off-road diesel fuel
- Reduce construction-related traffic trips and unnecessary idling of equipment.
- Use newer, “cleaner” construction equipment.
- Install control equipment on diesel construction equipment (particulate filters/traps (DPTs), oxidizing soot filter, oxidation catalysts, and other appropriate control devices to the greatest extent that is technically feasible) A particulate filter (“P-trap” or oxidizing sort filter) may control approximately 80% of diesel PM emissions. An oxidation catalyst reduces PM emissions by only 20%, but can reduce CO emissions by 40%, and hydrocarbon emissions by 50%. Different control devices may be used simultaneously.
- Reroute the diesel truck traffic away from communities and schools.
- Adopt a “Construction Emissions Mitigation Plan (CEMP). A CEMP would help to ensure that the procedures for implementing all proposed mitigation measures are sufficiently defined to ensure a reduction in the environmental impact from diesel PM and NOx due to the project’s construction.
- CEMP inclusions:
 - All construction-related engines are tuned to the engine manufacturer’s specifications in accordance with the timeframe recommended by the engine manufacturer; not idle for more than 5 minutes; not tampered with in order to increase engine horsepower; include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the construction site; and use diesel fuel having a sulfur content of 15 ppm or less, or other suitable alternative diesel fuel. Minimize construction-related traffic trips through appropriate policies and implementation measures.
 - Implement an adaptive mitigation measure program over the project’s construction phase.

**Construction Mitigation Measures
Adopted for Several Major Projects in California**

A. Administrative

1. Have a Mitigation Plan that is included in the FEIS and committed to in the ROD.
2. Require reporting.
 - a. Prepare inventory of all equipment prior to construction.
 - b. Report on suitability of add-on controls for each piece of equipment before groundbreaking.*
 - c. Evaluate other engine alternatives: electric, CNG, LNG, fuel cell, alternative diesel.
 - d. Monthly, public reports by Environmental Coordinator regarding fulfillment of requirements
3. Have suitability report subject to review by Air District, USDOT, State DOT, EPA and the public.

B. Equipment

1. Use add-on controls such as catalysts and particulate traps where suitable.
2. Use fuel with 15 ppm of sulfur or less unless unavailable.
3. Establish idling limit (e.g., 5-10 minutes per hour).
4. Tune to manufacturers' specs and do so at manufacturers' recommended frequency.
5. Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
6. Require that leased equipment be 1996 model or newer unless cost exceeds 110% of average lease cost.
7. Require 75% of total horsepower of owned equipment to be used to be 1996 or newer models.

C. Work limitations

1. Establish a cap on daily emissions and/or hours of work.
2. Use no more than 2 pieces of equipment simultaneously near or upwind from sensitive receptors.
3. Establish additional emissions limits within 1000 feet of any K-12 school.
4. Provide notification to all schools within 1000 feet.
5. Reduce truck trips and/or restrict hours of driving through communities to minimize risk.

* Suitability of control devices is based on whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused by the construction equipment engine, or whether there may be a significant risk to nearby workers or the public. Such determination is to be made by the Contract Project Manager (CPM) in consultation with the appropriate vendor.